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9 Attorneys for Defendant
10 FEDEX GROUND PACKAGE SYSTEM, INC.

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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

SHIMOM MOALEM, is an individual,
Plaintiff,

v.

FEDEX GROUND PACKAGE SYSTEM,
INC., is a Coraopolis, Pennsylvania based
Corporation; and DOES and ROES I
through XX, inclusive,
Defendants.

CASE NO. 2:18-CV-01223-JAD-NJK

**STIPULATION AND ORDER FOR
EXTENSION OF TIME /
ACKNOWLEDGEMENT OF TIME TO
RESPOND TO PLAINTIFF'S FIRST
AMENDED COMPLAINT**

WHEREAS as on August 2, 2018 the parties stipulated and filed their extension of time for defendant to respond to plaintiff's complaint up to and including August 17, 2018, which was granted by the Court (Doc 7 & Doc 9); and

WHEREAS the plaintiff filed an Amended Complaint on August 13, 2018 (Doc 10) with an Amended Summons issued on August 14, 2018 (Doc 11), which would have the effect of rendering the first stipulation moot and triggering a new response date for defendant;

IT IS HEREBY STIPULATED AND AGREED to between Defendant, FedEx Ground Package System, Inc. ("FedEx Ground"), by and through its attorney of record, Michael J. Nunez, Esq. of Murchison & Cumming, LLP, and Plaintiff, Shimom Moalem, acting in his

1 individual capacity as the Plaintiff in Proper Person, that the deadline for responding to
2 Plaintiff's Amended Complaint may be extended to August 24, 2018.

3 Plaintiff alleges in his Complaint that he tendered packages to FedEx Express for
4 delivery to New York, but those packages were not delivered as instructed. Upon
5 investigation, it was determined that Plaintiff tendered packages to FedEx Ground, and not
6 FedEx Express. FedEx Ground and FedEx Express are legally separate and independent
7 operating companies. Plaintiff was informed of this error, and provided the correct entity
8 name. Plaintiff has agreed to file an Amended Complaint substituting the correct party,
9 FedEx Ground, for the incorrectly named party, FedEx Express. The parties reached an
10 agreement to extend the response deadline to enable Plaintiff to substitute the proper party
11 into the lawsuit. The plaintiff has now done this.

12 Defendant agrees that Plaintiff's agreement to this extension cannot and will not be
13 used directly or indirectly to prejudice any rights of Plaintiff, and that, in the event Plaintiff
14 seeks ex parte or other relief, Defendant will not make any argument, either orally or in
15 writing, which uses Plaintiff's agreement in any manner that is prejudicial to Plaintiff or
16 Plaintiff's position, or in a manner that characterizes Plaintiff's agreement as "delay".

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DATED: August 17, 2018

By /s/ Michael J. Nunez
Michael J. Nuñez, Esq.
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Attorneys for Defendant
FEDEX GROUND PACKAGE SYSTEM, INC.

SHIMON MOALEM

ORDER

DATED August 20, 2018

UNITED STATES MAGISTRATE JUDGE